

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA**

U.S.A. vs. Jernard Elliott Rice

Docket No. 5:01-CR-49-2BR

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Jernard Elliott Rice, who, upon an earlier plea of guilty to 21 U.S.C. § 841 and 18 U.S.C. § 2, Possession with Intent to Distribute Cocaine and Aiding and Abetting, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on July 2, 2001, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Jernard Elliott Rice was released from custody on April 25, 2014, at which time the term of supervised release commenced. On November 12, 2015, a violation report was submitted to the court reporting that the defendant tested positive for marijuana use on November 2, 2015 and was in arrears on his fine payments. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 17, 2015, the defendant submitted a urine sample that was returned positive for marijuana use. When confronted, the defendant signed an admission acknowledging his use of marijuana on December 25, 2015. As a result of this marijuana use, the defendant has been referred to substance abuse counseling. To provide a punitive sanction for this conduct, we are recommending that the conditions of supervision be modified to include 60 days of home detention with electronic monitoring. We will continue to monitor the defendant's drug use through the Surprise Urinalysis Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

U.S. Probation Officer

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Executed On: January 6, 2016

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ORDER OF THE COURT

Considered and ordered this 6 day of January, 2016 and ordered filed and made a part of the records in the above case.



W. Earl Britt
Senior U.S. District Judge